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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,547	02/24/2004	Keith Patrick Heaton	COO.441A.US	8146
30159	7590	06/06/2006	EXAMINER	
LEGAL DEPARTMENT INTELLECTUAL PROPERTY KINETIC CONCEPTS, INC. P.O. BOX 659508 SAN ANTONIO, TX 78265-9508			GIBSON, ROY DEAN	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3739

Part of Paper No./Mail Date 05232006

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 14 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Heck et al. (5,097,548).

As to claim 1, Heck et al. disclose an apparatus comprising:

a framework of inflatable tubes (Figure 4, # 40);

a patient enclosing air tent (sheet 20) mounted on the framework of inflatable tubes, the inflatable tubes being operable, when inflated, to support the air tent above the patient, wherein the patient enclosing air tent is sized to enclose at least a portion of a single patient except a head portion of the patient (Figure 1); and

an air inlet (6) connected to an air-cooling system (non shown) for introducing cooled air into the patient enclosing air tent (col. 1, lines 5-55, col. 4, lines 6-13), col. 4, line 59-col. 5, line 38, col. 9, lines 8-34 and col. 11, line 67-col. 12, line 10).

Further to claims 14 and 22, Heck et al. also disclose a pressurized air source and cold air sufficient to control the temperature of the patient (affect the core temperature).

Allowable Subject Matter

Claims 21 and 23 are allowed.

Claims 2-13 and 15-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roy D. Gibson
Primary Examiner
Art Unit 3739

May 23, 2006